

ings of any special term of court, or on account of the sickness of any official shorthand reporter of any judicial district, necessitating the employment of a shorthand reporter from some other county within the State, then the shorthand reporter so employed shall receive and be paid all actual and necessary expenses in going to and returning from the place where he or she may be called on to report the proceedings of any regular or special terms of court.

Sec. 2. The fact that official and deputy official shorthand reporters now have no expense allowances and are forced to pay their traveling expenses out of their salaries and are required to attend many terms of court, thus materially reducing the salaries guaranteed them by law, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 425, by Westbrook, have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be printed in the Journal.

HORNSBY, Chairman.

By Westbrook. S. B. No. 425.

A BILL

To Be Entitled

An Act requiring trustees of public school districts to provide a suitable United States flag for each school building of the district; requiring the State, city and county superintendents to issue and have observed the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for the violation of the provisions of this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the board of school trustees of each and every common, independent, or municipal school district be and is hereby re-

quired to provide for a suitable United States flag and flagpole for each school building in the district, and the expense incurred in carrying out this provision for the Act shall be paid out of the funds of the district.

Sec. 2. It shall be the duty of the State Superintendent of Public Instruction to issue to each county and city superintendent of public instruction in this State the necessary instructions as to the enforcement of this law, and it shall be the duty of the county and city superintendents of public instruction in every county in this State to see that the provisions of this law and the instructions of the State Superintendent of Public Instruction relative to this law are carried out. The State Superintendent of Public Instruction shall include, in instructions to city and county superintendents, provisions requiring the flag of each schoolhouse to be kept within doors, to be displayed on the exterior of the building only in good weather, on suitable occasions, and at such regular intervals as may be desirable, at the same time providing for such regular use of the flag in patriotic exercises as may inspire in the children of the State the proper reverence for the flag and the Nation it represents.

Sec. 3. Any official or employee of the public free schools failing to perform his or her legal duty in connection with the administration of this Act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than five hundred dollars or removal from office, or both fine and removal from office.

TWENTY-THIRD DAY

Senate Chamber,

Austin, Texas,

Thursday, February 7, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Hardin.
Cunningham.	Holbrook.

Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Patton.	Woodward.
Pollard.	

Absent—Excused.

Greer. Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 453, A bill to be entitled "An Act to amend Article 1434 of the Penal Code of Texas, 1925 as amended by Chapter 77, General and Special Laws of the First Called Session of the Fortieth Legislature, and Article 1435 of the Penal Code of Texas, 1911, relating to the transfer of secondhand or used vehicles and the recording of said transfers, repealing all laws in conflict with this Act; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 454, A bill to be entitled "An Act authorizing the State Highway Department of the State of Texas to audit the fees collected by tax collectors for the registration of motor vehicles, tractors, trailers, semi-trailers, or other vehicles or for the transfer thereof, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 455, A bill to be entitled "An Act relating to the issuance and

use by manufacturers and dealers of demonstration number plates on motor vehicles; providing for the use on new vehicles of cardboard numbers issued by manufacturers or dealers under certain prescribed conditions; repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 456, A bill to be entitled "An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925 so as to give the State Highway Commission authority to forbid the use of roads and bridges under certain circumstances, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 457, A bill to be entitled "An Act to authorize any peace officer or inspector of the State Highway Commission to reduce the load of any motor vehicle or trailer or semi-trailer so that the same shall not exceed the gross weight allowed by law, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 458, A bill to be entitled "An Act to provide for a lien upon any motor vehicle, tractor, trailer, or semi-trailer for the payment of all registration fees required by law, providing for the seizure and holding or selling same for the fees due thereon, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Pollard:

S. B. No. 459, A bill to be entitled "An Act to provide that the Highway Commission shall issue a permit upon the application of any person, firm or corporation to operate over a state highway super-heavy equipment for the transportation of heavy commodities as cannot be reasonably dismantled, where the gross weight exceeds the amount allowed by law

to be transported over a state highway, providing for the form of an application for a permit, providing for the filing of a bond for damage that might occur to the highway, providing for a fee to be filed with each bond, providing for venue for suits on such bonds, and providing a form of permit, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Cousins:

S. B. No. 460. A bill to be entitled "An Act providing a means of assisting tenant farmers to acquire homes; providing for a fund to be raised from private donations to be known as the Farm Foundation Fund, to be administered by a board of directors and by a State Commission composed of the Governor, Commissioner of Agriculture, and Commissioner of the General Land Office, said fund to be used to purchase land and sell same to tenant farmers on long time, without interest; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 461. A bill to be entitled "An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, steam and electrical engineering; creating a board of governors to manage said school; providing for the administration thereof, and for the adoption of rules and regulations by said Board; making an appropriation for the purpose of establishing and maintaining the same, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 462. A bill to be entitled "An Act authorizing the district attorney of the Seventy-second Judicial District to appoint one Assistant District Attorney for a term of two years; prescribing the qualifications and duties of such assistant; fixing said assistant's salary, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 463. A bill to be entitled "An Act to suppress mob violence and by defining a "mob" and a "lynching," and providing for the apprehension and punishment of persons participating therein; by empowering the Governor and making it his duty to investigate all cases of mob violence and lynchings; etc., and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hornsby:

S. B. No. 464. A bill to be entitled "An Act amending the laws of this State relating to Employers' Liability so as to abolish the Texas Employers' Insurance Association and provide for the organization and incorporation of a private association to carry out the purposes of said Texas Employers' Insurance Association; providing for the incorporation of said private association; providing for its members and prescribing its powers, duties and functions; enacting provisions necessary and incidental to said purpose; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Woodward:

S. B. No. 465. A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Thomason:

S. B. No. 466. A bill to be entitled "An Act to amend Article 904 of the Penal Code of the State of Texas providing that no citizen of this State shall hunt in this State with a gun without first having procured a hunting license and pay therefor the sum of \$2.00; providing the amount to be paid to the officer collecting same; providing the amount to be paid for non-resident citizens or aliens for hunting licenses; providing the amount to be retained by the officer selling such non-resident or alien hunting licenses; providing

a penalty for the violation of this Article; providing that this Act shall not apply to persons under seventeen years of age, nor to landowners, nor to tenants, nor to employees of landowners hunting on land on which they have continuously resided for six months previous in the county of their residence, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 467 A bill to be entitled "An Act to amend Chapter 39 of the Local and Special Laws enacted by the Thirty-second Legislature at its Regular Session, convened on January 10, 1911, and adjourned on March 11, 1911, and approved on March 13, 1911, the same being a special road law for Fisher County, Texas, by adding thereto Sections 15 and 16 authorizing the commissioners' court of Fisher County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and limiting the amount of warrants, scrip, or other evidences of indebtedness for road and bridge purposes, except in cases of great calamity or urgent public necessity, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

Simple Resolution No. 60.

Senator Woodul sent up the following resolution:

Whereas the work and responsibilities have increased considerably in the mailing room, therefore, be it

Resolved That the head mailing clerk be paid \$7.50 per day.

Greer, Moore, Berkeley, Hornsby, Parr, Stevenson, Hyer, Woodul, Martin, Beck, Thomason, Gainer, Patton, Russek, and McFarlane.

The resolution was read.

Senator Miller sent up the following substitute.

Whereas, There have been numerous requests for salary increases on behalf of Senate employees since the opening of the session, and

Whereas, the positions in the Senate were eagerly sought by many applicants, and

Whereas, the employees who were

selected were cognizant of salaries as fixed by the Senate Caucus, therefore, be it

Resolved That the salaries fixed by the Senate Caucus be and continue to be the salaries paid and that any increases heretofore made be reduced accordingly.

MILLER.

The substitute for the resolution was adopted by the following vote:

Yeas—17.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	

Nays—8.

Beck.	Parr.
Berkeley.	Westbrook.
Gainer.	Witt.
Love.	Woodward.

Absent.

Hardin.	Russek.
Moore.	Small.

Absent—Excused.

Greer.	Neal.
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The resolution as substituted was adopted by the following vote:

Yeas—16.

Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
McFarlane.	Williamson.
Miller.	Wirtz.
Parrish.	Woodul.

Nays—9.

Beck.	Parr.
Berkeley.	Westbrook.
Gainer.	Witt.
Hyer.	Woodward.
Love.	

Absent.

Hardin.	Moore.
Martin.	Stevenson.

Absent—Excused.

Greer.	Neal.
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Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 35, A bill to be entitled "An Act to amend Article 534, Title 10, Chapter 7, of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

Amended as substituted.

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

With amendments.

S. B. No. 106, A bill to be entitled "An Act to amend Article 1898 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act providing a means of serving civil process upon non-residents of this State in any civil action or proceeding against such non-residents growing out of any accident or collision in which said non-residents may be involved while operating a motor vehicle or motorcycle on any public highway or public street in this State; and declaring an emergency."

S. B. No. 118, A bill to be entitled

"An Act amending Article 4233, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature; so as to provide for the removal of guardians without notice when notices or other process of court cannot be served upon them on account of their whereabouts being unknown, and declaring an emergency."

S. B. No. 119, A bill to be entitled "An Act amending Article 4143, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision whereby the county judge may authorize the payment of bond premiums out of the estate of the ward, and declaring an emergency."

With amendments.

S. B. No. 120, A bill to be entitled "An Act amending Article 4234, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian and when he becomes of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years, and when, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand, and declaring an emergency."

S. B. No. 121, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge to decrease the amount of a guardian's bond whenever in his opinion a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas,

adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require corporate sureties on guardians' bonds in certain cases, and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act to amend Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

S. B. No. 356, A bill to be entitled "An Act providing for the continuance of the trial of any civil or criminal action or matter in probate, pending in any court of this State while the Legislature is in session, where it appears by affidavit that a party to such cause is a member of the Legislature and is in attendance thereon, or where it appears that an attorney for any party to such an action is a member of the Legislature, and is in attendance on a session of the Legislature, and that a fair and proper trial cannot be had in absence of such party or attorney, and providing that where such showing is made by affidavit in any cause same shall be continued until ten days after the adjournment of the Legislature, and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for several institutions and departments of State Government as named herein for the balance of the fiscal year ending

August 31, 1929; and declaring an emergency."

With amendments.

S. B. No. 8, A bill to be entitled "An Act fixing the open season for hunting or killing Black Tail Deer in that part of the State west of the Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring emergency."

S. B. No. 180, A bill to be entitled "An Act making it lawful to kill squirrels at any time in the Counties of Travis, Williamson, San Saba, Llano, Lampasas and Burnet; and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act providing for the creation of a county police force in all counties having 210,000 population or more according to the last United States census; whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat; to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of appointment of the members of such county police force, their duties and compensations, and declaring an emergency."

With amendments.

S. B. No. 291, A bill to be entitled "An Act creating a more efficient road system for San Augustine County, Texas, providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of San Augustine County to issue bonds for said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and levy a tax in payment

th reof; repealing Chapter 94, Local and Special Laws, 1913, and all amendments thereto; and declaring an emergency."

S. B. No. 310, A bill to be entitled "An Act creating a more efficient road system for Jasper County Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment, construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Jasper County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

With amendments.

H. B. No. 479, A bill to be entitled "An Act to create Hidalgo and Cameron counties water control and improvement district No. 9, in Hidalgo and Cameron counties, Texas, validating and approving all orders made by the Board of Water Engineers of the State of Texas in respect to the original organization of said district as a water control and improvement district under Section 59, of Article 16, of the Constitution of the State of Texas; validating an order passed by the board of directors of said district on the 12th day of December, 1927."

H. B. No. 459, A bill to be entitled "An Act to create Hidalgo county water control and improvement district No. 6, in Hidalgo County, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of fifty thousand dollars in preliminary bonds and the levy of a tax in pay-

ment thereof; validating and approving the election held within said district on August 27, 1927, for the issuance of bonds in an amount not to exceed one million, six hundred thousand dollars and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases; and declaring an emergency."

By Mr. Chastain, Mr. Gilbert and Mr. Loy:

H. B. No. 163, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts so as to make said article apply in any county having a population of at least 58,000, or having therein a city containing a population of at least 20,000 as shown by the preceding Federal census."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 14, Memorializing the Ways and Means Committee of the Congress of the United States to place a duty on jute.

S. C. R. No. 20, Granting certain request to the University Land Acquisition Board.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Memorial Service.

Senator Wirtz sent up the following special committee report:

Committee Room.

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee appointed by virtue of Simple Resolution No. 10, to arrange for memorial services in memory of the deceased Senators, I. D. Fairchild and H. F. Triplett, beg leave to report as follows:

We recommend that memorial services be held in the Senate Chamber on Tuesday, February 12th, 1929, at two o'clock p. m., and that members of the families of the de-

ceased senators and friends be invited to attend such services.

That the following program be carried out at the services, to-wit:

The Lieutenant Governor presiding.

Invocation.

Memorial address by Senator John H. Bailey.

Consideration of resolutions respecting the deaths of Senators Fairchild and Triplett.

Addresses by members of the Senate in respect to such resolutions.

Closing prayer.

WIRTZ, Chairman.

The report was read and adopted.

Simple Resolution No. 61.

Senator McFarlane sent up the following resolution:

Whereas, Senator Cousins due to his lateness in arriving in the Legislature was placed on many Committees, and

Whereas, He has given the Penitentiary System careful study; therefore be it

Resolved, That he be placed on the Penitentiary Committee.

McFARLANE.

SMALL,

RUSSEK.

The resolution was read and adopted by the following vote:

Yeas—23.

Beck.	Patton.
Berkeley.	Pollard.
Cunningham.	Russek.
DeBerry.	Stevenson.
Gainer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parr.	

Present—Not Voting.

Cousins.

Absent.

Hardin.	Parrish.
Martin.	Small.
Moore.	

Absent—Excused.

Greer.	Neal.
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Senate Bill No. 238.

Senator Pollard moved that the Senate refuse to concur in the House amendments to S. B. No. 238 and ask for a free conference committee. The motion prevailed.

Motion to Instruct Committee to Report S. B. No. 342.

Senator Holbrook moved that the Committee on Penitentiaries be instructed to bring in a Committee report on S. B. No. 342.

As a substitute Senator McFarlane requested and received unanimous consent to send up Committee reports on S. B. Nos. 415, 410 and 342.

Senator Holbrook moved inasmuch as Senator Cousins was not a member of the Committee at the time the majority report was written and that his vote completed the number required to submit a majority report, that the minority report on S. B. No. 342 be made the majority report.

Senator DeBerry raised the point of order that any motion to change the Committee report in this manner was out of order.

The Chair sustained the point of order, stating that the only way in which the Committee report could be so changed would be to recommit the bill to the Committee on Penitentiaries.

Senator Holbrook moved to substitute the minority for the majority report.

Senator DeBerry raised the point of order that the bills were not now before the Senate, and that the motion was out of order. The point of order was sustained.

Senator Holbrook moved that S. B. No. 342 be recommitted to the Committee on Penitentiaries.

The motion to recommit prevailed by the following vote:

Yeas—14.

Beck.	Patton.
Berkeley.	Small.
Gainer.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Parrish.	Woodward.

Nays—13.

Cousins.	DeBerry.
Cunningham.	Hyer.

Martin.	Russek.
McFarlane.	Thomason.
Miller.	Westbrook.
Parr.	Wirtz.
Pollard.	

Absent.

Hardin.	Moore.
Absent—Excused.	

Greer.	Neal.
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Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 356.

Motion to Concur.

On motion of Senator Love, the Senate voted to concur in the House amendment to S. B. No. 278 by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parr.	

Absent.

Hardin.	Moore.
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Absent—Excused.

Greer.	Neal.
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Motion to Concur.

On motion of Senator Woodward, the Senate voted to concur in the House amendment to S. B. No. 119 by the following vote:

Yeas—28.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Holbrook.
Cunningham.	Hornsby.

Hyer.	Russek.
Love.	Small.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard.	Woodward.

Absent.

Hardin.	Absent—Excused.
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Greer.	Neal.
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Free Conference Committee Appointed.

The Chair announced the appointment of the following members of the Free Conference Committee on S. B. No. 238 on the part of the Senate:

Pollard, Thomason, Miller, Patton, and Moore.

H. C. R. No. 14.

The Chair laid before the Senate, on first reading, the following resolution:

H. C. R. No. 14, memorializing Congress to place a duty of at least three cents on jute.

The resolution was read.

On motion of Senator Pollard, the resolution was referred to the Committee on Federal Relations.

H. J. R. No. 6.

The Chair laid before the Senate, on second reading, the following resolution:

H. J. R. No. 6, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, and for continuous session of that Court.

The Committee report was adopted.

The resolution was read second time and passed to third reading.

Recess.

On motion of Senator Witt, the Senate, at 12:00 o'clock noon, recessed until 2:30 o'clock p. m.

After Recess.

The Senate was called to order at 2:30 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

House Bill No. 162.

Senator Parrish called up from the table the following bill:

By Mr. Webb, Mr. Metcalfe and Mr. Rountree:

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4 of the Revised Civil Statutes of 1925."

Senator Parrish sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 162, Page 1, Lines 25 and 26, of the printed bill, by striking out the words: "And enlarging the powers of pink boll worms that may be declared to be a menace."

The amendment was read and adopted.

Amendment No. 2.

Amend the printed bill, Page 2, Line 1, by inserting after the word "ownership," the words "or lease."

The amendment was read and adopted.

Amendment No. 3.

Amend Lines 1 and 2, Page 2, by striking out the words, "limiting the time of present restrictions and regulation on areas."

The amendment was read and adopted.

Amendment No. 4.

Strike out the first four lines on Page 3, and insert in lieu thereof the following: "That the inspector invited the owner of the land or his agent or representative to accompany him on the inspection trip, and that the owner, or his representative accompanied him, or declined to do so."

The amendment was read and adopted.

Amendment No. 5.

Amend Page 4, Line 3, by inserting after the word "own" the words "or lease."

The amendment was read and adopted.

Amendment No. 6.

Amend the bill, Page 5, Line 6, by striking out the last word in said line and by striking out lines 7, 8, 9, 10, 11, 12, 13 and 14 inclusive.

The amendment was read and adopted.

Amendment No. 7.

Amend the bill, Page 7, Line 5, by striking out all after the word "fact" in line 5, down to and including the word "and" in Line 7.

The amendment was read and adopted.

On motion of Senator Parrish, the bill was laid on the table subject to call.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 175.

H. C. R. No. 12.

The Chair laid before the Senate, on second reading, the following bill:

H. C. R. No. 12, relating to the purchase of additional land for the State Juvenile School at Gatesville.

On motion of Senator Pollard, the bill was laid on the table subject to call.

House Bills Referred.

H. B. No. 454, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 479, read and referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 163, read and referred to Committee on Civil Jurisprudence.

Senate Bill No 81.

The Chair laid before the Senate, as pending business, the following bill:

S. B. No. 81, A bill to be entitled

"An Act protecting State banks and National banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 81 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Parr.	

Absent—Excused.

Greer.	Moore.
Hardin.	Neal.

The bill was read third time and finally passed.

Senate Bill No. 3.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 3, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas, etc."

On motion of Senator Pollard, the bill was made special order for Friday morning.

Senators Wirtz and Love received unanimous consent to send up substitutes for S. B. No. 3 and have them printed in the Journal. (See Appendix.)

Senate Bill No. 252.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 252, A bill to be entitled "An Act creating an advisory judicial council for the continuous study, investigation and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personnel of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance."

The bill was read third time and finally passed.

Senate Bill No. 80.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas of 1925, so such article shall provide for the compiling of jury cards for the jury wheel in counties of over one hundred fifty thousand population, placing such compiling under the supervision of the district clerk and providing funds for employment of typists for compiling, and other expenses necessary."

The bill was read third time and finally passed.

Senate Bill No. 99.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in schools, colleges, universities, and other educational institutions of the State of Texas."

The bill was read third time and finally passed.

Senate Bill No. 233.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 233, A bill to be entitled "An Act to prohibit Domestic Insurance carriers from doing business in any other State or territory of the United States or the Dominion of Canada without being legally admitted to do so under the laws of such State, territory or Dominion, and providing for the revocation of the license of any such carrier and

the payment of a tax by such carrier to such State, territory or Dominion."

On motion of Senator Love, the bill was laid on the table subject to call.

Senate Bill No. 170.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 170, A bill to be entitled "An Act to amend Articles 2741, R. S., 1925, relating to the duties of county school trustees with reference to the boundaries of school districts within their counties."

The bill was read third time and finally passed.

Senate Bill No. 41.

Senate Woodul called up from the table the following bill:

S. B. No. 41, A bill to be entitled "An Act to amend Article 5510 of the Revised Civil Statutes of the State of Texas so as to limit the amount of land that may be recovered under the ten year statute, and declaring an emergency."

The bill was read second time.

On motion of Senator Thomason, the bill was laid on the table subject to call.

Senate Bill No. 49.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 49, A bill to be entitled "An Act to create the State Board of Pharmacy, providing for its appointment, terms and tenure of office and its members, defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms pharmacists, pharmacy, drug store, and Board; providing penalties, and repealing all existing laws in conflict herewith, and declaring an emergency."

The Committee substitute was adopted. The bill as substituted was read second time.

Senator Berkeley sent up the following amendments:

Amend Committee Substitute for S. B. No. 49, page 12, Section 8, line 16, by striking out all after the word "Pharmacists" to and includ-

ing the word "Conmacists" in line 17.

BERKELEY.

The amendment was read and adopted.

Amend S. B. No. 49, page 15, Section 16, line 20, after the word "Act" by adding: "Provided same shall not apply to towns and villages having a population of five hundred or less."

BERKELEY.

The amendment was read and adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 49, Section 8, line 22, by adding between the words patent and medicines the word "and proprietary."

MARTIN.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend C. S. S. B. No. 49, page 12, line 27, by adding after line 27 Section 7a as follows:

It shall be unlawful for any drug store as provided in this act to sell any hardware, groceries, dry goods, furniture, or any food that now appears on the bill of fare or menu of cafes or restaurants.

McFARLANE.

The amendment was read.

On motion of Senator Williamson, the amendment was tabled.

Senator Parrish sent up the following amendment:

Amend C. S. S. B. No. 49 by striking out "500" and inserting in lieu thereof "1,500."

PARRISH.

The amendment was read and lost.

Senator Pollard sent up the following amendment:

Amend S. B. No. 49, Page 12, Line 27, by inserting a semi-colon in lieu of a period after "formula," and adding the following: "Nor shall this Act apply to the sale of harmless drugs, household remedies, etc., properly labelled in original or broken packages."

POLLARD.

The amendment was read.

Senator Williamson moved the

previous question on the amendment and the bill. The previous question was not seconded.

Senator Hardin moved to table the amendment. The motion prevailed.

Senator Woodul sent up the following amendment:

Amend C. S. S. B. No. 49 by striking out Section 15 and 16.

WOODUL.

The amendment was read and lost.

Senator Pollard sent up the following amendment:

Amend S. B. No. 49, Page 16, Line 25, by striking out the words and figures \$25.00 and insert in lieu thereof \$5.00.

POLLARD.

The amendment was read and lost.

Senator McFarlane sent up the following amendment:

Amend Page 15 by striking out Section 17.

McFARLANE.

On motion of Senator Love, the previous question on the amendment and the bill was ordered.

Senator Beck raised the point of order that Senator McFarlane was resorting to dilatory tactics. The Chair sustained the point of order.

Senator Hornsby raised the point of order that Senator McFarlane was resorting to dilatory tactics. The Chair sustained the point of order.

The amendment was lost by the following vote:

Yeas—8.

Cunningham.	Parrish.
Gainer.	Pollard.
McFarlane.	Wirtz.
Miller.	Woodul.

Nays—20.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.

Absent.

Small.

Absent—Excused.

Greer.

Neal.

The bill passed to engrossment by the following vote:

Yeas—18.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.

Nays—9.

Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Wirtz.
McFarlane.	Woodul.
Miller.	

Absent.

Small.

Thomason.

Absent—Excused.

Greer.

Neal.

Motion to Concur.

On motion of Senator Holbrook, the House amendments to S. B. No. 65 and S. B. No. 138 were concurred in.

Motion to Print.

Senator Holbrook moved to print the minority substitute. The motion prevailed.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills.

S. C. R. No. 20.	S. B. No. 275.
S. B. No. 121.	S. B. No. 278.
S. B. No. 8.	S. B. No. 106.
S. B. No. 124.	S. B. No. 116.
S. B. No. 180.	S. B. No. 118.
S. B. No. 120.	S. B. No. 119.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolution:

H. J. R. No. 7, Proposing an
amendment to Section 5 of Article
4 of the Constitution of the State of
Texas, fixing the salary of the Gov-
ernor; providing for its submission
to the voters of the State of Texas
as required by the Constitution and
making appropriation therefor.

The House grants the request of
the Senate for a Free Conference
Committee on S. B. No. 238 and the
following are appointed as conferees
on the part of the House:

Wallace, McGill, Murphy, Graves
of Williamson, Woodall.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 18, A bill to be entitled
"An Act to amend Article 2902, Re-
vised Statutes of 1925, fixing the
scholastic age of pupils in the pub-
lic free schools by reducing the min-
imum school age to six years, and
repealing all laws and parts of laws
in conflict therewith."

S. B. No. 65, A bill to be entitled
"An Act to amend Article 3887 of
the Revised Civil Statutes of 1925,
relating to the fees of the county
attorney in any county having a pop-
ulation in excess of one hundred
thousand inhabitants where there is
no district attorney, so as to include
any county having less than one
hundred thousand inhabitants but
containing a city with a population
in excess of forty-four thousand in-
habitants where there is no district
attorney, providing a maximum
compensation payable to him out of
the fees collected by such county at-
torney, authorizing reimbursement
out of fees collected for certain ex-
penses and authorizing the employ-
ment by such county attorney or as-
sistants, investigators, and stenogra-
phers, fixing their salaries and pro-

viding a method of payment thereof,
and providing that such county at-
torney may collect fees for serv-
ices rendered in corporation courts
and specifying such fees, and declar-
ing an emergency."

With amendments.

S. B. No. 138, A bill to be entitled
"An Act authorizing the county
judge to employ a stenographer or
clerk in any county of less than one
hundred thousand inhabitants ac-
cording to the last United States
census, which county contains a city
of more than forty-three thousand
inhabitants according to said census,
said stenographer to be paid by the
county; regulating the salary of
such stenographer; providing for his
removal; and declaring an emer-
gency."

With amendments.

S. B. No. 395, A bill to be entitled
"An Act to establish and create a
criminal district court for Jefferson
County; to provide for the jurisdic-
tion of and procedure in said court;
to provide for the appointment, elec-
tion, qualification, duties powers,
and compensation of a judge of said
court; depriving and divesting the
district courts of Jefferson County
of jurisdiction of all criminal cases;
providing from and after the taking
effect of this Act for the transfer of
all criminal cases from the districts'
courts of the Fifty-eighth and Six-
tieth Judicial District Courts of Jeff-
erson County to the Criminal Dis-
trict Court of Jefferson County
created by this Act; providing that
the county attorney, the sheriff and
the clerk of the District Court of
Jefferson County shall be the county
attorney, sheriff and clerk of the
district court, respectively, of the
court created by this Act, under the
same rules and regulations as are
now, or may hereafter be prescribed
by law for the government of such of-
ficials; providing for the fees to be
received by such officers for such
services, and repealing all laws and
parts of laws in conflict with this
Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. J. R. No. 7 Referred.

H. J. R. No. 7 was referred to the
Committee on Constitutional Amend-
ments.

Free Conference Committee Requested.

Senator Woodward moved that the Senate refuse to concur in the House amendments to S. B. No. 35 and request a Free Conference Committee. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Woodward, Love, Miller, Stevenson and Woodul.

Motion to Send Up Committee Report.

Senator Hornsby moved to suspend the regular order in order that he might send up a Committee Report.

Motion to Adjourn.

Senator Pollard moved that the Senate stand adjourned until 10:00 o'clock Friday morning. The motion prevailed by the following vote:

Yeas—15.

Beck.	Russek.
Cousins.	Stevenson.
Cunningham.	Thomason.
Hardin.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Patton.	Woodward.
Pollard.	

Nays—12.

Berkeley.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Holbrook.	Parr.
Hornsby.	Parrish.
Hyer.	Williamson.

Absent.

Small. Westbrook.

Absent—Excused.

Greer. Neal.

The Senate, at 5:20 o'clock p. m., adjourned until 10:00 o'clock Friday morning.

APPENDIX.

Petitions and Memorials. (TELEGRAM.)

Houston, Texas, Feb. 6, 1929.
Hon. Barry Miller,
State Capitol,
Austin, Texas.

At the meeting of the Southern Plant Board representing quarantine

officials from eleven Southern States Texas H. B. No. 162 was very carefully considered. Conviction expressed by vote of the convention that passage of the bill as it now stands is likely to destroy basis for cooperation between federal and State authorities and thus necessitate independent quarantines by other states for their own protection against pink bollworm invasion. We sincerely hope that suitable amendments may obviate this result.

R. W. HARNE,
President.
B. P. LIVINGSTON,
Secretary.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 449 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 298 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 359 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 397 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 288 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 80 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 199 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 99 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 170 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 147 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 305 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 251 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 289 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 294 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 233 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 57 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 252 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 356 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11:55 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 153, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of compiling and for acquiring and owning abstract plants in this or any other State, and to compile and sell abstracts of titles therefrom and to insure the title to lands and interests therein and liens thereon, and authorizing such corporations to accumulate and lend money, to deal in securities, and to act as trustee, receiver, executor, administrator and guardian; regulating the amount of paid-in capital of all corporations operating under this Act; requiring all corporations created or permitted to do business under this Act and those created under Subdivision 57,

Article 1302, and Chapter 18, Title 78, Revised Statutes of 1925, and all other corporations to operate under the control of and subject to regulations as to forms of policies and prices prescribed by the Board of Insurance Commissioners; permitting foreign corporations to do business in Texas, and providing for the forfeiture of such right; requiring a deposit of cash or securities; providing for filing fees and franchise taxes and the filing of charters and amendments thereto; providing for the issuance of certificates of authority to do business; requiring a reserve and the maintenance intact of the capital stock; giving the Board of Insurance Commissioners exclusive control over corporations doing business hereunder; requiring annual statements from and providing for examinations of such corporations; regulating their names; regulating the granting of permits to foreign corporations and requiring powers of attorney for them; permitting foreign title insurance companies to loan funds in this State without securing authority to write title insurance; prohibiting commissions, rebates and discounts by corporations doing business under this Act; fixing filing fees and occupation taxes of foreign corporations doing business under this Act; prohibiting the further chartering of corporations under Subdivision 57, Article 1302, Revised Statutes of 1925, and declaring that Article 1344, Revised Statutes of 1925, shall not apply to corporations hereunder; making the terms and provisions of this Act conditions the violation of which to be cause for the revocation of the permit and forfeiture of the charters of domestic corporations and the permits of foreign corporations; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to you with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 197, A bill to be entitled

"An Act to give to owners of land in amount not to exceed Ten Thousand Acres the right to impound water and to use the same on their own land for domestic, stock raising, farming and irrigation purposes; to relieve said owners from the necessity of getting permits from the State of Texas or the consent of Corporations or Municipalities before impounding the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act to establish and maintain a dairy, poultry, pecan, crops, and other native products experiment station on the Miles, Roscoe and Abilene Soil Type in Taylor, Jones, Callahan or Shackelford County, Texas; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board to establish and maintain same; to accept donations of lands, water, livestock, seeds, plants and money for the establishment of said station and for the operation of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

We, a majority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 410, A bill to be entitled "An Act, reorganizing the State Penitentiary System; providing and defining the duties, powers and functions of the Prison Board; making provision for the sale of the Shaw

Farm and the reorganization of the Prison System in South Texas, on the Darrington Farm; authorizing the Board of Control to buy supplies and manufactured articles from the Prison System for the use of the State; providing for ways and means of assisting released prisoners to find employment; and declaring an emergency."

Have had the same under consideration and report it back to the Senate with recommendation that it do not pass.

McFARLANE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 410, A bill to be entitled "An Act, reorganizing the State Penitentiary System; providing and defining the duties, powers and functions of the Prison Board; making provision for the sale of the Shaw, Doree and Wynn Farms and the reorganization of the Prison System in South Texas, on the Darrington Farm; authorizing the Board of Control to buy supplies and manufactured articles from the Prison System for the use of the State; providing for ways and means of assisting released prisoners to find employment; and declaring an emergency."

Have had the same under consideration, and I am requested to report it back to the Senate with the recommendation that it do pass.

WOODUL,
WITT.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 342, A bill to be entitled "An Act relating to the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the reorganization of the Prison System; making provision for the sale of the prison

farms and the centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a Board for the selection of the location for the centralization of the system; providing for the power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young, short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

McFARLANE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 342, A bill to be entitled "An Act relating to the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the reorganization of the Prison System; making provision for the sale of the prison farm and the centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a Board for the selection of the location for the centralization of the system; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young, short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON
BECK
WOODUL

Committee Room,

Hon. Barry Miller, President of the Senate.

Austin, Texas, Feb. 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 415, A bill to be entitled "An Act providing for the centralization of the Texas Prison System increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of adequate prison walls and and houses upon the Darrington Farm in Brazoria County and providing for the removal of the prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the prison at Huntsville, and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison System for the use of the State and its institutions; providing for the establishment of a prison reformatory with the Texas prison System for young and short term prisoners, making an appropriation to be used in carrying out this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 129, A bill to be entitled "An Act regulating public utilities; providing that they shall charge just and reasonable rates and furnish adequate, efficient, and reasonable service; that they shall file with the Commission their schedules, adhere to same, show no discrimination and make no change in rates without notice to the Commission; that the Commission shall fix rates under certain conditions; providing for the joint use of certain telephone and

telegraph facilities, the establishment of reasonable and adequate service and standards of service, for valuation and revaluation of properties establishing a system of accounts and requiring reports, providing that the commission may make investigations and enter on the premises of utilities when necessary; providing for certificates of indeterminate permits, future grants purchase by municipality, manner of acquisition, determination of compensation, reinstatement of franchise; providing for hearings; providing that the commission may employ examiners, experts, inspectors, engineers, statisticians, accountants, employees; and clerks; and that the Railroad Commission shall administer, carry out and enforce the provisions of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass, but that the Committee Substitute, hereto attached, do pass in lieu thereof, and that the original bill be not printed but that the Committee Substitute be printed.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 129, A bill to be entitled "An Act regulating public utilities; providing that they shall charge just and reasonable rates and furnish adequate, efficient and reasonable service; that they shall file with the Commission their schedules, adhere to same, show no discrimination and make no change in rates without notice to the Commission; that the Commission shall fix rates under certain conditions; providing for the joint use of certain telephone and telegraph facilities, the establishment of reasonable and adequate service and standards of service, for valuation and revaluation of properties establishing a system of accounts and requiring reports; providing that the Commission may make investigations and enter on the premises of utilities when necessary; providing

for certificates of indeterminate permits, future grants, purchase by municipality, manner of acquisition, determination of compensation, reinstatement of franchise; providing for hearings; providing that the Commission may employ examiner, experts, engineers, statisticians, accountants, inspectors, clerks and employees; and that the Railroad Commission shall administer, carry out and enforce the provisions of this Act."

Have had the same under consideration and differ from the majority of the Committee, and beg leave to report to the Senate that the attached substitute for the original bill be passed in lieu of the original and committee substitute.

HOLBROOK
WOODWARD
PATTON
HORNSBY

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 448, A bill to be entitled "An Act to provide more adequate compensation for County Judges in counties which have voted road and bridge bonds amounting to six million dollars or more, and in addition flood protection bonds amounting to one million dollars or more, providing for the employment of a stenographer for such judges, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Standing Committees of the Senate Corrected to Date.

Agricultural Affairs: Chairman, Cunningham; vice-chairman, Gainer; McFarlane, Patton, Small, Westbrook, Williamson, Neal, Cousins.

Banking: Russek, chairman; Holbrook, vice-chairman; Beck, Berkeley, Miller, Hornsby, Parrish, Thomson, Wirtz, Cousins.

Civil Jurisprudence: Woodward, chairman; Small, vice-chairman; Cunningham, Hyer, Love, McFarlane,

Martin, Miller, Westbrook, Wirtz, Cousins, Woodul.

Counties and County Boundaries: Martin, chairman; Parr, vice-chairman; Berkeley, Hardin, Parrish.

Constitutional Amendments: Hornsby, chairman; Woodul, vice-chairman; DeBerry, Moore, Parr, Patton, Russek, Stevenson, Wirtz.

Contingent Expenses: Gainer, chairman; Parrish, vice-chairman; Berkeley, Greer, Holbrook, Neal, Parr, Small, Williamson.

Commerce and Manufacture: Greer, chairman; Moore, vice-chairman; Beck, Hyer, Martin, Neal, Parrish, Pollard, Thomason, Westbrook, Witt.

Congressional Districts: Martin, chairman; Beck, vice-chairman; Moore, Patton, Small, Woodul, Greer.

Criminal Jurisprudence: Miller, chairman; Witt, vice-chairman; Cunningham, Gainer, Hyer, Hornsby, Martin, Parr, Patton, Thomason, Wirtz.

Educational Affairs: Neal, chairman; Hornsby, vice-chairman; Greer, Hyer, Cunningham, Miller, Patton, Parr, Russek, Moore, Westbrook, Witt, Love, Thomason, McFarlane.

Engrossed Bills: Westbrook, chairman; Miller, vice-chairman; Parr.

Enrolled Bills: Witt, chairman; Moore, vice-chairman; Wirtz.

Federal Relations: Love, chairman; Pollard, vice-chairman; Greer, Neal, McFarlane, Parrish, Wirtz.

Finance: Pollard, chairman; Parrish, vice-chairman; Gainer, Hardin, Hyer, Hornsby, Miller, Patton, Small, Thomason, Westbrook, Wirtz, Witt, Cousins.

Insurance: Moore, chairman; Holbrook, vice-chairman; Beck, DeBerry, Hornsby, Miller, Pollard, Witt, Woodward, Russek.

Internal Improvements: Love, chairman; Cunningham, vice-chairman; Beck, Greer, Martin, Moore, Parr, Stevenson, Woodul.

Judicial Districts: Patton, chairman; Hardin, vice-chairman; Berkeley, Gainer, Martin, McFarlane, Neal, Small, Woodul.

Labor: Westbrook, chairman; McFarlane, vice-chairman; Hardin, Hyer, Miller, Stevenson, Thomason, Cousins.

Mining, Irrigation and Drainage: Stevenson, chairman; Parrish, vice-

chairman; Gainer, Hyer, Parr, Small, Wirtz, Woodward.

Military Affairs: Woodul, chairman; Love, vice-chairman; Gainer, Hyer, Beck, Moore, Patton, Russek, Witt.

Nominations by Governor: Williamson, chairman; DeBerry, vice-chairman; Beck, Gainer, Love, Moore, Patton, Woodward, Parrish.

Privileges and Elections: Holbrook, chairman; Martin, vice-chairman; Gainer, Patton, Pollard, Small, Wirtz, Russek, Love, Cousins.

Public Buildings and Grounds: Thomason, chairman; Greer, vice-chairman; Hardin, Love, McFarlane, Neal, Patton.

Public Printing: Parrish, chairman; Thomason, vice-chairman; Cunningham, Greer, Hardin, Hyer, Holbrook, Russek, Small.

Public Lands and Land Office: Small, chairman; Berkeley, vice-chairman; Cunningham, Gainer, Holbrook, Moore, Parrish, Westbrook, Woodward.

Public Health: Beck, chairman; Berkeley, vice-chairman; Hyer, Hardin, Holbrook, Hornsby, Miller, Moore, Small, Wirtz.

Public Debts: Patton, chairman; Neal, vice-chairman; Beck, Gainer, Greer, Moore, Pollard, Small, Stevenson, Witt.

Representative Districts: DeBerry, chairman; Patton, vice-chairman; Berkeley, Love, Moore, Williamson, Woodward.

State Highways and Motor Traffic: Witt, chairman; Hyer, vice-chairman; DeBerry, Martin, McFarlane, Moore, Parr, Russek, Small, Stevenson, Williamson, Gainer, Cousins.

Rules: Hardin, chairman; Wirtz, vice-chairman; Miller, Parr, Small.

Senatorial Districts: DeBerry, chairman; Westbrook, vice-chairman; Cunningham, Love, Pollard, Woodward.

State Affairs: Wirtz, chairman; Miller, vice-chairman; Hardin, Hornsby, Holbrook, Moore, Parr, Patton, Russek, Small, Witt, Woodward, Westbrook.

State Institutions and Departments: Hyer, chairman; Woodward, vice-chairman; DeBerry, Hornsby, Love, Martin, Neal, Pollard, Russek, Gainer, Thomason.

State Penitentiaries: McFarlane, chairman; Williamson, vice-chair-

man; DeBerry, Hornsby, Miller, Martin, Russek, Small, Stevenson, Wirtz, Witt, Woodul, Beck, Holbrook, Cousins.

Stock and Stock Raising: Parr, chairman; Stevenson, vice-chairman; Beck, Berkeley, Hyer, Hardin, McFarlane, Parrish, Patton, Westbrook, Williamson, Woodward.

Towns and City Corporations: Berkeley, chairman; Russek, vice-chairman; DeBerry, Gainer, Williamson, Witt, Woodward, Woodul.

Substitute for S. B. No. 3.

By Love.

Amend Senate Bill No. 3 by striking out all after the enacting clause and inserting in lieu thereof, the following:

Section 1. For the purpose of promoting the public school interests of rural schools, and equalizing the educational opportunities afforded by the State to all children of free school age living in small and financially weak school districts, there shall be appropriated by the Legislature of the State of Texas, out of the General Revenue Fund every two years, such sum as may be deemed adequate and necessary for such purposes, which shall constitute a State Rural Aid Fund, and shall be used in accordance with the following provisions of this Act.

Sec. 2. The State Rural Aid School Fund appropriated for each year shall be apportioned among and expended within the various counties of this State, being distributed upon the basis of the density of population, the needs of the schools, and the scholastic per capita wealth, calculated upon the State and county valuation of property for the preceding year as shown by the records of the Comptroller's office, of the various counties as ascertained and determined by the State Superintendent of Public Instruction, subject to approval by the State Board of Education. The amount so distributed to each county shall constitute a county equalization fund that shall not be appropriated on a per capita basis, but shall be used by the County Board of School Trustees of each such county as an equalization fund for equalizing, as far as possible, the educational opportunities in the County, by giving special

aid, necessary for that purpose, to the school children residing in financially weak school districts, and to extend the school privileges of such children as have no other adequate provision for schooling in the districts in which they live, subject to approval by the State Superintendent of Public Instruction.

The County Board of School Trustees may use such part of the County Equalization Fund herein provided for as it may deem advisable to provide for the transportation to and from schools of children residing in rural districts, and may establish such routes for that purpose as may be deemed advisable, and may alter and change the same from time to time, and all of the expense of such transportation may be paid out of the County Equalization Fund, or may be shared between such fund and any school district which may be affected. No part of the equalization fund of any county shall be expended in or for the benefit of any school district in which there is not levied and collected for school purposes taxes amounting to One Dollar (\$1.00) on the One Hundred (\$100.00) Dollars of taxable property.

Sec. 3. No part of the State Aid for Rural education appropriated by the State shall be disbursed to or expended by the County Board of School Trustees of any county except in strict accordance with the scheduled plans for the use of such equalization fund prepared by the County Board of Education of each county and submitted to and approved by the State Superintendent of Public Instruction and the State Board of Education.

Sec. 4. It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in his opinion, may be necessary to carry out the provisions and intentions of this Act and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent to send to each county a rural school supervisor, hereby authorized, who shall make a thorough investigation in person of the schools affected by and receiving aid under

the provisions of this Act, and aid shall not be granted, or, if granted, shall not be continued unless it can be shown that all provisions of this Act and regulations made by the State Superintendent and State Board of Education have been complied with, and that such amount of aid is actually needed.

Sec. 5. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, \$, or such part thereof as may be necessary for the school year ending August 31, 1930, and \$ or such part thereof as may be necessary for the year ending August 31, 1931, for the use of the State Rural Aid Fund, hereby created, for each of said years.

Sec. 6. The importance of this Act and the crowded condition of the calendar creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect from and after its passage, and it is so enacted.

Amend the Caption to read:

A BILL
To Be Entitled

An Act to create the State Rural Aid School Fund, and to provide for the promotion of the Public School interests of rural schools and to equalize the educational opportunities of all school children living in small and financially weak school districts, and providing for the distribution of the State Rural Aid School Fund, and declaring an emergency.

LOVE

Substitute for S. B. No. 3.

By Wirtz.

An Act appropriating \$1,500,000 per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; authorizing the State Board of Education and the State Superintendent of Public Instruction to

aid such schools in accordance with conditions herein specified; providing certain prerequisites for the granting of such aid; providing for the maintenance of all rural schools which meet the requirements of this act, a term of not exceeding six months out of the State and county school funds; providing aid for schools where extraordinary conditions prevent schools meeting all stated requirements; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high schools districts according to a county-wide plan, and providing for the payment out of this appropriation of the consolidation bonus authorized by the Fortieth Legislature, Senate Bill No. 7, General Laws of the State of Texas, to districts which were denied the benefits of said bonus; providing for the use of an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars for the payment of each year of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, regular session; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting the public school interests of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the general revenue \$1,500,000 or such part thereof as may be necessary for the school year ending August 31, 1930, and \$1,500,000 or such part thereof as may be necessary for the school

year ending August 31, 1931, to be used in accordance with the following provisions of this Act.

Sec. 2. State Aid under the provisions of this Act may be distributed in such way to assist all schools of not more than 100 scholastic enrollment located in common or independent districts of not more than 400 scholastics to maintain the school solely out of State and County available funds for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term, not to exceed nine months, it shall not be eligible to receive State aid, the granting of such aid to be subject to the following conditions:

1. Each school receiving this aid shall be provided with suitable school house, erected in accordance with the Texas School House Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each such school shall be provided with the necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representative.

3. Teachers employed in State aid schools shall furnish the State superintendent satisfactory evidence of professional training and teaching ability.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the annual support of its schools by voting and levying a local school tax of not less than ten cents on the hundred dollars of property valuation, and provided further that the property valuation shall not be less than said property is valued for State and county purposes, and provided further that the above requirements of a maintenance tax levy shall not apply to districts maintaining a school for Indians.

5. Each school receiving State aid under the provisions of this Act, shall teach the common school subjects as prescribed by law, and shall

follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction and State Board of Education.

6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study.

Sec. 3. Schools of not more than one hundred scholastics located in districts of not more than 400 scholastics census enrollment, including transfers, complying with the foregoing conditions may send to the State Superintendent for blanks provided by the State Department of Education, a list of teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of his fund, which, together with State and County available funds, may be necessary to maintain the school for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term not to exceed nine months, it shall not be eligible to receive State Aid.

Sec. 4. The maximum salaries to be paid out of State and County Funds shall be according to a schedule approved by the State Board of Education. No part of the aid herein provided for shall be used for increasing the salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the districts receiving such aid. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any section herein provided. Should any school, which would otherwise be eligible to receive funds under this Act, agree, promise, or contract with teachers to pay a larger salary, during the

term provided out of the State Funds, than is to be paid during the remainder of the term out of local funds, then such school shall forfeit its right to receive aid.

Sec. 5. In deciding upon the amount of aid to be granted to districts under the provisions of this Act, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall allot the money herein appropriated to schools upon the following basis: One teacher for any number of scholastics from 20 to 35 inclusive; two teachers for any number of scholastics from 36 to 65 inclusive; three teachers for any number from 66 to 95 inclusive. The basis for calculation shall be the net scholastic enumeration of the district for the current year, which must include all transfers into the district, and from which shall be deducted all transfers from the district; provided that in unusual or extraordinary conditions of actual enrollment an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 6. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period of not exceeding six months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be levied and collected by said school district, and that this requirement cannot be waived by the State Board of Education; and provided further that the amount granted in such cases shall not exceed \$300.00.

Sec. 7. State Aid to the amount of not more than \$300.00 to any one school in a district which will provide equipment for proper instruction and demonstration in farm mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. Each school in which such equipment has been placed by previous appropriations

may receive \$100.00 for each year of this appropriation, provided the teacher employed is approved by the State Superintendent, as competent for such instruction and a term report on the work done is made by the teacher in charge. It is expressly provided that the school district which applied for special aid under this section must be complying with the foregoing conditions as stated in Section 3 of this Act.

Sec. 8. It is hereby further provided that when a rural high school district is legally formed, either by action of the County Board of Education or by election of resident voters, containing not less than 40 square miles and not more than 700 scholastics of either white or colored population and providing a building and equipment, which shall meet the approval of the State Superintendent of Public Instruction, and employing three teachers, including the principal doing high school work exclusively, or such number of teachers as in the judgment of the State Superintendent of Public Instruction is needed and necessary, it may be granted out of the yearly appropriations of this Act the sum of Five Hundred (\$500.00) Dollars for each entire school district included in said grouping; provided such rural high school district is one unit in a countywide system of such high school districts mapped and planned for the entire county that has been approved by the State Superintendent of Public Instruction; provided that nothing herein shall prohibit any one such unit from receiving such aid as is provided herein on account of any other units in said County failing to comply with this Act or to put into effect the plans of the County Board of Education in mapping out said county.

Any consolidation effected during the biennium from September 1, 1925 to August 31, 1927, under the provisions of Chapter 113, Senate Bill 408, General Laws of the State of Texas, passed by the Thirty-ninth Legislature at its Regular Session 1925, which has been denied the benefits of the bonus of \$1,000.00 specified in said Act, upon proof of such consolidation shall receive said bonus out of the appropriation provided for in the Act.

Sec. 9. Rural high school dis-

tricts, formed in accordance with Section 8 of this Act, and all consolidations heretofore formed under provisions of State Aid Laws of 1923 and 1925, which make provisions for transportation of pupils to and from said schools at public expense, may be granted from this fund in addition to the amount provided in Section 8, a sum equal to one-half the cost of transportation, amount not to exceed \$300.00 for each auto truck required, provided contracts for such transportation have been approved by the State Superintendent.

Sec. 10. It is hereby expressly provided that an amount not to exceed one Hundred Thousand (\$100,000.00) Dollars of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session.

Sec. 11. The aid granted to all of the districts of any one county, entitled to receive aid under the provisions of this Act, shall not exceed Ten Thousand (\$10,000.00) Dollars.

Sec. 12. Except as authorized in Sections 7, 8, 9 and 11, no district shall receive more than One Thousand (\$1,000.00) Dollars in any one year under the provisions of this Act.

Sec. 13. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in his opinion, may be necessary to carry out the provisions and intentions of this Act and for the best interest of the schools for whose benefits the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural school supervisors, hereby authorized, who shall make a thorough investigation in person of the grounds, buildings, equipment, teaching force, and financial condition of each school applying for aid under the provisions of this Act, and aid shall not be granted unless it can be shown that all provisions of this Act and regulations made by the State Superintendent have been complied with, and that such amount of aid is ac-

tually needed.

Sec. 14. Warrants and Reports.—Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State aid is granted in the same manner as warrants for State apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 15. Apportionment Privileges.—Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County available school funds, and in all other funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

Sec. 16. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provisions be made for the maintenance and support of our schools with as little delay as possible, and for the further fact that considerable time is required in preparation for carrying out the terms of this Act before the schools can take advantage of the provisions stated herein, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FOURTH DAY

Senate Chamber,
Austin, Texas,

Friday, February 8, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names: